



4. This compromise will allow the parties to avoid briefing a motion to strike and will allow the Court to avoid reviewing and ruling on such a motion.

5. The parties have attached the revised version of the brief and exhibits to this motion as Exhibit 1.<sup>1</sup>

For the foregoing reasons, the parties jointly request that this Court grant leave for Plaintiffs to file Plaintiffs' Revised Reply Brief in Support of Their Motion for Summary Judgment and Exhibits A through E, attached as Exhibit 1.

Respectfully submitted,

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situated,

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Dated: December 15, 2009

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<sup>1</sup> No changes have been made to Plaintiffs' Response to Defendants' Supplemental Statement of Facts (Docket No. 118), filed Nov. 20, 2009.

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Dated: December 15, 2009

**CERTIFICATE OF SERVICE**

I hereby certify that on December 15, 2009, a copy of this document was served by electronic filing on all counsel of record.

/s/ Hillary Schwab  
Hillary Schwab, Esq.